

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

Mark Ortmayer  
2367 N. E. 23rd Street  
Gresham, Oregon 97030

Pro Se Plaintiff

Cameron L. Sabin  
Stephen L. Griffith  
STOEL RIVES, LLP  
900 S.W. Fifth Avenue, Suite 2600  
Portland, Oregon 97204

Attorney for Defendant Union Bank of California, N.A.

David E. McAllister  
MOSS PITE & DUNCAN, LLP  
525 East Main Street  
P.O. Box 12289  
El Cajon, California 92022-2289

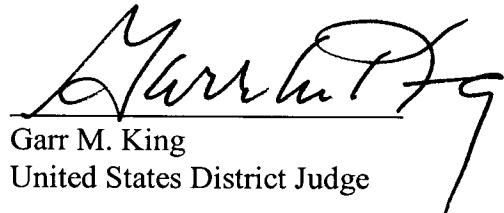
KING, Judge:

Magistrate Dennis Hubel filed his Findings and Recommendation (#37) on May 19, 2005 and referred it to me on June 6, 2005. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Barilla v. Ervin, 886 F.2d 1514, 1518 (9th Cir. 1989) (citing Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983)). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT the Findings and Recommendation (#37) of Judge Hubel and GRANT in part and DENY in part UBC's motion to dismiss (#30) and GRANT in part and DENY in part Cal-Western's motion to dismiss (#27).

Dated this 22<sup>nd</sup> day of June, 2005.

  
Garr M. King  
United States District Judge